



as premature. DataTern further asks for such other and further relief as the Court deems just and proper.

PLEASE TAKE NOTICE that opposition papers, if any, must be served in accordance with Local Rule 6.1(b).

Dated: November 28, 2012

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the above Notice of Motion for Relief Pursuant to Fed. R. Civ. P. 56(f) was served on this 28<sup>th</sup> day of November, 2012 upon counsel of record for Microsoft Corp., SAP AG and SAP America, Inc. via *ECF*.

/s/ David Himelfarb  
David Himelfarb